

COURT HEARS FROM STURGIS**PLEADS NOW FOR DELAY IN CONTEMPT PROCEEDINGS.**

Whether Notice of Appeal Does or Does Not Stay a Mandamus is a New Point.
Corporation Counsel's Office Argues—Decision Put Off Till Thursday.

The Chief Edward F. Croker and his counsel, John J. Delaney, appeared before Justice Bischoff yesterday in the Supreme Court, to argue for the issuance of an order to punish Fire Commissioner Thomas F. Sturgis for his alleged contempt of court in refusing to obey Justice Hall's peremptory mandamus to restore Chief Croker as head of the uniformed forces of the department. The impression prevalent at the close of the hearing that the idea of flagrancy in the alleged contempt had at any rate been taken out of the mind of the Court.

Counsel before Justice Giegerich in some of the cases which had hung fire took the view that the decree did not have to be entered before Sept. 1 to come under the old law, and the Court apparently upheld them.

One case to feel the force of the new law is that brought against the well-known artist, Bruce Crane, by his wife. The Crane couple failed to get through in good season, but Justice Giegerich found yesterday that Referee Isaac Froneman erred in his report and ordered the report sent back for correction.

In several cases yesterday the following ruling was made by Justice Giegerich:

A motion to confirm referee's report for contempt was under 177A of the Code of Civil Procedure may be presented on two days' notice.

This is the section of the code which is amended.

ALIBI FOR O'REILLY'S COPS.

The Trial of the Four He Says He Found in a Saloon Continued.

The trial of Patrolmen Loosen, Quigley, Campbell and Hart of the Oak street station, who are charged by Capt. Miles O'Reilly with being caught playing dice in a saloon, was resumed before Commissioner Partridge yesterday. Campbell denied the charge, but admitted having been off his post during the night in question because he responded to a "trap" in his police station on an adjoining street. Cross-examination brought out that he had made no entry of that fact in his memorandum book.

Part of Campbell's story was corroborated by Patrolmen Scott and Shea, neither of whom, however, was able to give the day when they had been with Campbell. A number of witnesses were present who said by the defendants to prove that they had been on their posts at the time when the captain thought he saw them in the saloon.

Just before the trial was adjourned till to-day the Commissioner asked Capt. O'Reilly if, in view of the testimony given by the witnesses, he desired to correct his own appeal which would act as a stay in that case in this. No appeal could suspend the action of a peremptory writ. The witness was told what the word peremptory implies.

"Is there any dignity or power in this court that the officers of the municipality can with impunity disregard its decisions, its writs and its mandates?" said Mr. Delaney. "Has the court when a man does what it orders the court to do, an action by saying that the Corporation Counsel advised him to do as he did?"

Perhaps the real offender in this matter, the greater offender, is the Corporation Counsel, who advised this man to defy the courts. We may see a sort of pyrrhic victory in that. If any one is in contempt, seems to me that the Corporation Counsel is the one. But as to the contention that the decision of Justice Hall was not a proper one, if they want to enlarge the powers of the Commissioner, why do they not go to the Legislature and have the city Charter amended, and not ask for more judgeships?"

Mr. Connolly said that he denied, of course, all the charges of contempt. The question to be settled by the court was simply whether the appeal did or did not act as a stay, and he would discuss this point in the brief which would prepare. He denied again that Commissioner Sturgis had appealed Chief Croker.

"Judge Hall wrote at that statement," said Justice Bischoff.

"It was agreed finally that the briefs should be submitted on Thursday morning, and the Justice reserved his decision."

Commissioner Sturgis sent out word from his inner office yesterday that no charges would be preferred against Chief Croker with the contempt action was postponed. It was also agreed that he would attach to the administrative arm of the department to say definitely whether there would be charges after these proceedings are finished.

Secretary Leary said the public might be assured of one thing, and that was that if no charges should be made against Chief Croker the court would be the first person to know about them.

NO BAR TO RIKER'S ISLAND WORK.

Martin's Application for an Injunction Refused—The Work to Be Hasted.

Justice Giegerich yesterday denied the motion of Michael Martin, as a taxpayer, for an injunction to restrain the Street Cleaning Department from filling in the embankment of Riker's Island with dirt.

He said that the work would be done by the end of October, and that the cost would be increased by twenty thousand dollars.

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At the Rossville Golf Club T. F. Dodd made the low net score in the qualifying round, 80-76. Dodd beat Hoffman, 1 up (thirteen holes); Murhead beat Howell, 2 up (griffith beat writer, 2 up and 1 to play); and Wood beat Smith, 122-124.

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JACKSON, Sept. 2.—The final for the Keneddy Cup at the Jackson Golf Club was won by E. C. Young, with 103-70, 76. Miss Helen Van Ingen won the women's cup, returning 62, 21-41.

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